



MUST-READ TIPS ON WRITING AFFIDAVITS

1. Affidavits are limited to eight (8) pages for fifteen (15) minute hearings. Parties requesting thirty (30) minutes from the Clerk of Court are not held to the eight-page document limit, per the Order. (If you request more than fifteen (15) minutes, please be mindful that interpretation of the page limit varies among judges).
2. Left margin must be 1 ½ inches with each page numbered consecutively.
3. Rule 267(c) SCACR specifies standard 12 point font or larger for affidavits.
4. A good affidavit must be typed and the lines must be spaced at least 1 ½ .
 - Hand-written affidavits are almost always dead on arrival, meaning most judges will not even read or consider it.
5. In order for an affidavit to be useful it must be 1) credible; 2) knowledgeable; 3) factual; and 4) relevant.
 - The affidavit must not be vulgar, argumentative, opinionated or one-sided. An affidavit that simply praises one party and slams the other party is generally less credible than an affidavit that acknowledges the strengths and weaknesses of each party.
 - When one-sided affidavits are justified, it helps if editorial commentary is kept to a minimum and the affidavit substantiates its claims with documentary evidence.
6. A crucial part of drafting a credible affidavit is minimizing typographical and grammatical errors, using appropriate language, and having the affidavit flow in an organized fashion.
 - An affidavit full of errors in language, spelling, punctuation or diction, or is unorganized reflects poorly on the person providing the affidavit and diminishes his or her credibility.
 - Headings usually make it easier for a judge to quickly understand your affidavit's organization and then agree with your points.
7. A good affidavit should start with an explanation of who the witness is and what about the witness' background and experience makes that witness credible.
 - The introduction can also explain the witness' relationship to the parties or the dispute so that the court can understand how that witness was in a position to know what he or she is testifying to.
8. Affidavits that draw conclusions are dead on arrival, meaning the judge may not even read or consider it. For example, an affidavit that states, "John is a wonderful father and husband" with no facts to support the statement is of no value.
9. The affidavit must be sworn to and properly notarized.
 - A notary block that does not include the language "*Sworn to and subscribed before me*" but merely shows a notary's signature and expiration date is not considered to be an affidavit and is usually not even read by most South Carolina Family Court Judges.
 - The person who writes the affidavit must give oath, in the presence of a notary, that the affidavit is true and correct.
 - **The Affidavit MUST include the exact following language:**

SWORN TO AND SUBSCRIBED BEFORE ME THIS ____ DAY OF
_____, 20 ____.

Notary Public State of _____.
My Commission Expires: _____.

10. The notary must actually watch the affiant sign the affidavit before notarizing it.

AFFIDAVIT OUTLINE

PERSONALLY APPEARED BEFORE ME, [Insert Name], who being first duly sworn says:

1. Introduction - Name, current address, and occupation.
2. Knowledge of party and/or situation
 - a. Explain the your relationship to the parties or the dispute so that the court can understand how you are in a position to know what you are testifying to.
3. Knowledge of the factual issues in dispute
 - a. Specific incidents and examples are better than general and broad statements.
 - b. When factual claims can be substantiated by documentary evidence, such documents should be attached to the affidavit as an exhibit with the affidavit describing and explaining the exhibit.
4. State any positive comments about the person you are giving affidavit for.
 - a. Specific incidents and examples are better than general and broad statements.
5. State any observations of person you are giving affidavit for with his or her children
 - a. Specific incidents and examples are better than general and broad statements
6. State why you believe it would be in the best interest of the child(ren) to reside with the person you are giving affidavit for
 - a. Specific incidents and examples are better than general and broad statements
7. State any negative comments concerning the other party
 - a. Specific incidents and examples are better than general and broad statements

[SIGN AND PRINT NAME]

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____.

Notary Public State of _____.
My Commission Expires: _____.